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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W. MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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DATE **MAY 15 2012** Office: NEBRASKA SERVICE CENTER

FILE: 


IN RE: Petitioner:
Beneficiary:



PETITION: Immigrant petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the AAO inappropriately applied the law in reaching its decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen with the field office or service center that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$630. The specific requirements for filing such a motion can be found at 8 C.F.R. § 103.5. **Do not file any motion directly with the AAO.** Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires any motion to be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The employment-based immigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks to classify the beneficiary pursuant to section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2). The director determined that the petitioner failed to demonstrate that the offered position requires an alien of exceptional ability in the sciences, arts, or business.

On appeal, counsel states the following:¹

- I. The Service must distinguish and reconcile the regulation in light of Kazarian
- II. Based on the Kazarian requirements and the preponderance of the evidence standard the beneficiary meets the exceptional ability classification

The regulations at 8 C.F.R. § 103.3(a)(1)(v) provide that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

Counsel has expressed disagreement with the director's determination but has not specifically identified an error of law or fact. Therefore, the appeal shall be summarily dismissed.

ORDER: The appeal is dismissed.

¹ On appeal, counsel dated the appeal October 24, 2011 and stated that a brief and/or additional evidence would be submitted to the AAO within 30 days. The regulations at 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii) require that any brief be submitted directly to the AAO. To date, more than six months later, the AAO has received nothing further.